

The freezing of items and criminal proceeds and of substitute assets according to sections 79a – 79f of the Code of Criminal Procedure of the Czech Republic

The summary in English

This thesis talks about the procedure of freezing of items being intended for using or being used for committing a criminal offence and of freezing of criminal proceeds and of freezing of substitute assets, according to sections 79a – 79f of the Code of Criminal Procedure of the Czech Republic. The topic is put in the frame of the Czech legal regulations, there is described the interpretation and the purpose of the available freezing tools. The meaning of basic expressions is explained more fully. There are indicated the differences between the individual tools used for freezing of assets in the Czech criminal procedure. The subject of basic human rights is highlighted, as well as high requirements asked for each procedure eligible to infringe them. The thesis answers the questions, what can be seized by using the procedure provided in the named provisions, how can it be done and who is the person responsible for such decision, including the procedure of objections and appeals (complaints). There is specified the time period in which is possible to let the asset frozen. The meaning of the used tool is explained especially with regard to the rights which are allowed to be limited and to the person who is obliged to suffer from this limitation. The attention is paid to the formal elements of the decision in greater details and to the delivery of the decision and to its announcement as well. There are described the ways how may freezing of the asset influence not only the criminal procedure but also some other ones. With regard to the possible change of the reason for freezing assets, there is explained the way how the authorities should react. The realization of freezing of selected assets is described in more details: movable things, financial resources in a bank account (or in an account of a different subject who is allowed to manage it for another person) and real estates. The special attention is paid to asset management. The difference between asset freezing and asset confiscation is explained, especially its different impact on the property of a criminal offender. The chosen topic is tried to be summarized in a way to be able to provide the reader a complete view of a freezing of items being intended for using or being used to commit a criminal offence and of criminal proceeds and of substitute assets within the Czech Criminal Procedure.

Key words: Freezing of assets, proceeds of criminal activity, items being intended for committing or being used for committing a criminal offence, substitute assets